

***SURFACE TRANSPORTATION BOARD***  
**ANNUAL FOIA REPORT**  
for  
FY 200 (October 1, 2003 - September 30, 2004)

**I. Basic Information Regarding Report**

A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Marilyn L. Levitt  
1925 K Street, NW Room 614  
Washington, DC 20423  
(202) 565-1565  
FAX (202) 565-9001  
e-mail: Levittm@stb.dot.gov

B. Electronic address for report on the World Wide Web.

<http://WWW.STB.DOT.GOV/FOIA.HTM>

C. How to obtain a copy of the report in paper form.

Request copy from FOIA officer in "A" above, by letter, FAX, or e-mail.

**II. How to Make a FOIA Request**

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Surface Transportation Board  
FOIA Officer  
1925 K Street, NW  
Washington, DC 20423 FAX (202) 565-9001

B. Brief description of the agency's response-time ranges.

Average acknowledgment time one working week. Requests usually filled within 15 days.

C. Brief description of why some requests are not granted.

Some requests are denied under Exemption 4, because information submitted to the agency by third parties is deemed to be proprietary and commercially

sensitive. Other requests are denied under Exemption 5, because the requested materials are deemed to be pre-decisional staff communications which are part of the deliberative process, or attorney work-product.

### III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

#### A. Agency-specific acronyms or other terms.

None.

### IV. Exemption 3 Statutes

None.

### V. Initial FOIA/PA Access Requests

#### A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year 0
2. Number of requests received during current fiscal year 27
3. Number of requests processed during current fiscal year 27
4. Number of requests pending as of end of current fiscal year 0  
(Enter this number also in Line VII.B.1.)

#### B. Disposition of initial requests.

1. Number of total grants 14
2. Number of partial grants 5
3. Number of denials 0

#### a. Number of times each FOIA exemption used (counting each exemption once per request)

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 5
- (6) Exemption 6 0
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0

(13) Exemption 8 0  
(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 10

- a. no records 6
- b. referrals 1
- c. request withdrawn 1
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

#### VI. Appeals of Initial Denials of FOIA/PA Requests

##### A. Numbers of appeals.

- 1. Number of appeals received during fiscal year 0
- 2. Number of appeals processed during fiscal year 0

##### B. Disposition of appeals.

- 1. Number completely upheld 0
- 2. Number partially reversed 0
- 3. Number completely reversed 0

a. number of times each FOIA exemption used (counting each exemption once per appeal)

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 0
- (6) Exemption 6 0
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total) 0

- a. no records 0
- b. referrals 0
- c. request withdrawn 0
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

## VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (multiple tracks not used).

- a. number of requests processed 27
- b. median number of days to process 10

2. Complex requests (specify for any and all tracks used). N/A

3. Requests accorded expedited processing. 0

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year 0 (Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date 0

## VIII. Comparisons with Previous Year(s)

0

## IX. Costs/FOIA Staffing

A. Staffing levels.

- 1. Number of full-time FOIA personnel 0
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 33%
- 3. Total number of personnel (in work-years) 33%

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals) \$40,000
  2. Litigation-related activities (estimated) None
  3. Total costs \$40,000
  4. Comparison with previous year(s) (including percentage of change) (optional)  
Same
- 

C. Statement of additional resources needed for FOIA compliance (optional) None.

X. Fees

- A. Total amount of fees collected by agency for processing requests \$ 2,666.34
- B. Percentage of total costs 7 %

XI. FOIA Regulations (Including Fee Schedule)

Regulations (copy attached) may be found at:

[http://WWW.STB.DOT.GOV/FOIA/49CFR1001\\_FOIA.HTM](http://WWW.STB.DOT.GOV/FOIA/49CFR1001_FOIA.HTM)

Fees (copy attached) may be found at:

[http://WWW.STB.DOT.GOV/FOIA/49CFR1002\\_FEES.HTM](http://WWW.STB.DOT.GOV/FOIA/49CFR1002_FEES.HTM)